

**3872. Adulteration and misbranding of so-called cider vinegar. U. S. v. Spielmann Bros. Co. Plea of guilty. Fine, \$75 and costs. (F. & D. No. 2530. I. S. No. 10320-c.)**

On April 26, 1913, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information, and on January 10, 1914, an amended information, against Spielmann Bros. Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on November 4, 1910, from the State of Illinois into the State of Indiana, of a quantity of so-called cider vinegar which was adulterated and misbranded. The product was labeled: "Guaranteed Cider Vinegar, 6 per centum, Spielmann Bros. Co. 7264."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results, expressed as grams per 100 cc, unless otherwise stated:

Solids.....	2.45
Nonsugar solids.....	1.58
Reducing sugar as invert.....	0.87
Sugar in solids (per cent).....	35.51
Polarization, direct, at 20° C. (°V.).....	-1.2
Ash.....	0.42
Alkalinity of soluble ash (cc N/10 acid per 100 cc).....	48.4
Soluble phosphoric acid (mg per 100 cc).....	20.4
Insoluble phosphoric acid (mg per 100 cc).....	12.4
Acid, as acetic.....	6.18
Volatile acid, as acetic.....	3.17
Fixed acid, as malic.....	0.01
Lead precipitate: Heavy-flocculent.	
Color (degrees, Brewer's scale, 0.5-inch cell).....	06.0
Color removed by fuller's earth (per cent).....	58
Ratio total to soluble P <sub>2</sub> O <sub>5</sub> .....	1:0.62
Ratio ash to nonsugar solids.....	1:3.8
Alcoholic precipitate.....	0.25
Pentosans.....	0.13
Glycerol.....	0.16

Adulteration of the product was alleged in the information for the reason that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, and a foreign product high in reducing sugars prepared in imitation of genuine cider vinegar, had been mixed and packed with the article of food aforesaid so as to reduce and lower and injuriously affect the quality and strength thereof; further, in that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, a foreign product high in reducing sugars, and added ash material, prepared in imitation of genuine cider vinegar, had been mixed and packed with the article of food aforesaid so as to reduce and injuriously affect the quality and strength thereof; further, for the reason that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, fortified with apple cider and prepared in imitation of genuine cider vinegar, had been mixed and packed with the article of food aforesaid so as to reduce and lower and injuriously affect the quality and strength thereof; further, in that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, and added ash material, prepared in imitation of genuine cider vinegar, had been mixed and packed with the article of food aforesaid so as to reduce and lower and injuriously affect the quality and strength thereof; further, in that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, a foreign product high in reducing sugars, prepared in imitation of genuine cider vinegar, had been substituted wholly

for the article of food aforesaid; and for the further reason that said distilled vinegar, a foreign product high in reducing sugars, had been substituted in part for the article of food aforesaid; further, in that a liquid preparation, to wit, a dilute solution of acetic acid, commonly known as distilled vinegar, a foreign product high in reducing sugars and added ash material, prepared in imitation of genuine cider vinegar, had been substituted wholly for the article of food aforesaid, and for the further reason that said distilled vinegar had been substituted in part for the article of food aforesaid.

Misbranding of the product was alleged for the reason that each of the 75 barrels bore a label in words and figures, as follows, to wit, "Guaranteed Cider Vinegar, 6 per centum, Spielmann Bros. Co. 7264," which said statement was false and misleading in that said statement represented to the purchaser that the article of food was a genuine cider vinegar conforming to the commercial standard for such article, whereas, in truth and in fact, each of the barrels did not contain genuine cider vinegar, but contained a mixture of dilute acetic acid, commonly known as distilled vinegar, a foreign product high in reducing sugars and added ash material, made in imitation of and sold under the distinctive name of another article of food, to wit, genuine cider vinegar. Misbranding was alleged for the further reason that said statement appearing on the labels deceived and misled the purchaser into the belief that the article of food was a genuine cider vinegar conforming to the commercial standard for such article, whereas, in truth and in fact, each of the barrels aforesaid did not contain genuine cider vinegar, but contained a mixture of dilute acetic acid, commonly known as distilled vinegar, and a foreign product high in reducing sugars, made in imitation of genuine cider vinegar.

On August 7, 1914, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs. On September 15, 1914, the judgment of August 7, 1914, was vacated, and the court imposed a fine of \$75 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1915.*